



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SHUTTS & BOWEN, LLP
100 S. ASHLEY DRIVE
SUITE 1500
TAMPA, FL 33602

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of :
Kathy L. Baker :
Application No. 10/817,394 : **ON PETITION**
Filed: April 2, 2004 :
Attorney Docket No. 29146.0002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 18, 2007, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 1, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Since the amendment submitted November 30, 2006 did not *prima facie* place the application in condition for allowance, accordingly, the date of abandonment of this application is December 4, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$395, and the submission required by 37 CFR 1.114; (2) the petition fee of \$750; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3765 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

April M. Wise
Petitions Examiner
Office of Petitions